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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

This Document Relates to:

ALL ACTIONS

Case No. 3:23-md-03084-CRB

**DEFENDANT UBER TECHNOLOGIES,
INC. AND RAISER, LLC'S BRIEF IN
SUPPORT OF UBER'S PRIVILEGE
CLAIMS CHALLENGED BY
PLAINTIFFS FOR CUSTODIAL FILE OF
MCDONALD – PURSUANT TO SPECIAL
MASTER ORDER NO. 3 (DKT. 2472) ¶ I
(4)**

Pursuant to Special Master Order No. 3 (Dkt. 2472) ¶ I (4), Defendants submit this brief and attached declarations in support of their position on the remaining privilege challenges for custodian Katherine McDonald. Defendants incorporate by reference the legal standard and arguments set forth in its prior briefing (Dkts. 2433, 2461, 2528, and 2544). Among the numerous challenges that Plaintiffs have asserted to Uber’s assertion of privilege or work product protection, Plaintiffs initially challenged approximately 2,000 documents within the custodial file of Katherine McDonald. Through many conferrals, the parties have narrowed their disputes to 143 challenges for this custodian.¹ These challenges are now submitted for the Special Master’s review.

In addition to the factual material already made available for the Special Master’s consideration,² Defendants now provide declarations from Scott Binnings, Uber’s Associate General Counsel, Safety and Core Services (Ex. A), and Jennifer Handley, Senior Director, Safety Legal, Global (Ex. B). These declarations address some of the documents at issue and provide factual support that helps to clarify Uber’s privilege assertions. Their declarations, as well as declarations submitted with Defendants’ prior briefing, illustrate how Uber’s in-house legal team members provide legal advice to Uber’s leadership and employees on a host of issues, including safety issues, procedures, and policy. As they have explained previously, their work sometimes involves directing non-attorney employees to create documentation and assessments necessary for them to provide legal advice. *See, e.g.,* Dkts. 2462 at 3-4, 2463 at 5. Thus, the factual material, including the list of names and titles of relevant Uber inside and outside counsel, when reviewed in conjunction with the challenged

¹ Plaintiffs submitted 166 total challenges to the Special Master on March 19, 2025, but noted that 23 privilege claims were being withdrawn.

² As requested by the Special Master, Uber has provided (1) a glossary of terms commonly used in disputed documents, (2) a list of names and titles of relevant Uber inside and outside counsel, and (3) a digest of third-parties present in its privilege log.

documents and the associated metadata fields in the review platform, provide much of the necessary background to support Uber's privilege assertions.

The following document is addressed in the Declaration of Scott Binnings (Ex. A):

- JCCP_MDL_PRIVLOG069773

The following documents are addressed in the Declaration of Jennifer Handley (Ex. B):

- JCCP_MDL_PRIVLOG001171
- JCCP_MDL_PRIVLOG004452
- JCCP_MDL_PRIVLOG004020

As explained more fully in prior briefs incorporated by reference herein (Dkts. 2433, 2461, 2528, and 2544), the applicable legal standard, the relevant factual background, including additional factual support contained in declarations from Uber's in-house counsel, all support Uber's privilege and work product assertions. The remaining claims submitted for the Special Master's determination should be upheld.

DATED: March 21, 2025

Respectfully submitted,

SHOOK HARDY & BACON L.L.P.

By: /s/ Michael B. Shortnacy
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CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will automatically send notification of the filing to all counsel of record.

/s/ Michael B. Shortnacy
MICHAEL B. SHORTNACY